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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/912,266
Filing Date	July 24, 2001
First Named Inventor	James E. Fleming
Art Unit	1641
Examiner Name	Gailene Gabel
Attorney Docket No.	390054.402

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## ENCLOSURES (check all that apply)

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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	William T. Christiansen, Ph.D.	Customer Number	00500
Signature			
Date	December 3, 2003		

## CERTIFICATE OF TRANSMISSION/MAILING

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**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE - EXAMINING GROUP 1640**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : James E. Fleming et al.  
Application No. : 09/912,266  
Filed : July 24, 2001  
For : METHOD AND APPARATUS FOR VIABLE AND NONVIABLE  
PROKARYOTIC AND EUKARYOTIC CELL QUANTITATION

Examiner : Gailene Gabel  
Art Unit : 1641  
Docket No. : 390054.402  
Date : December 3, 2003

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Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Commissioner for Patents:

In response to the Office Action dated October 3, 2003, please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.